

Message Text

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TAGS: ENRG, PDEV, PGOV, PINT, CA

SUBJ: MACKENZIE VALLEY GAS PIPELINE: SUPREME COURT APPEALS

REF: A) OTTAWA 4683, B) OTTAWA 4420, C) OTTAWA 4247

1. PRESS REPORTS THAT CANADIAN SUPREME COURT DECIDED FEBRUARY 2 TO HEAR TWO APPEALS LATER THIS YEAR WHICH MIGHT HAVE IMPACT ON NORTHERN RESOURCE DEVELOPMENT.

2. IN FIRST CASE, COURT WILL HEAR APPEAL OF THREE PUBLIC INTEREST GROUPS (REFTEL A) WHICH CHARGE THAT NATIONAL ENERGY BOARD (NEB) CHAIRMAN CROWE MIGHT BE BIASED IN HIS DIRECT PARTICIPATION IN ON-GOING NEB HEARINGS ON APPLICATIONS TO BUILD A NATURAL GAS PIPELINE FROM THE ARCTIC. THE THREE GROUPS ARE THE CANADIAN ARCTIC RESOURCES COMMITTEE, THE COMMITTEE FOR JUSTICE AND LIBERTY FOUNDATION, AND THE CONSUMERS' ASSOCIATION OF CANADA. THE FEDERAL COURT OF APPEAL HAD RULED UNANIMOUSLY IN FAVOR OF CROWE ON DECEMBER 12.

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3. THE SECOND APPEAL CONCERNS THE INDIAN BROTHERHOOD

OF THE NWT'S TERRITORIAL CLAIMS. THIS CASE STEMS FROM A 1973 RULING BY A NWT COURT GRANTING THE BROTHERHOOD PERMISSION TO FILE CLAIMS ON SOME 400,000 SQUARE MILES OF THE WEST SIDE OF THE NWT. THE GOC SUBSEQUENTLY AND SUCCESSFULLY APPEALED THIS RULING (REFTEL C), BUT AT THE SAME TIME AGREED TO NEGOTIATE A CLAIMS SETTLEMENT. THE BROTHERHOOD IS NOW SEEKING TO HAVE THIS LATTER RULING FAVORABLE TO THE GOC OVERTURNED.

4. COMMENT: ACCORDING TO INFORMATION OBTAINED BY EMBOFF FROM AN INDIAN AND NOTHERN AFFAIRS OFFICIALS, THE OUTCOME OF THE SUPREME COURT APPEAL WILL NECESSARILY BE A FACTOR EITHER IN STRENGTHENING OR WEAKENING THE INDIAN BARGAINING POSITION IN NEGOTIATIONS WITH OTTAWA, BUT THE GOC REMAINS FULLY COMMITTED TO NEGOTIATING SUCCESSFULLY A CLAIMS SETTLEMENT AS SOON AS POSSIBLE AND HOPEFULLY BEFORE A FINAL PIPELINE APPLICATION DECISION. HE EMPHASIZED, HOWEVER, THAT A SETTLEMENT IS NOT REPEAT NOT NECESSARY IF IN THE LAST ANALYSIS THE GOC DECIDES THAT A PIPELINE IS IN CANADA'S BEST INTERESTS. JOHNSON

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